



Philip R. Sellinger  
Tel 973.360.7910  
Fax 973.301.8410  
sellingerp@gtlaw.com

October 16, 2017

**VIA ECF**

The Honorable Jose L. Linares  
United States District Judge  
United States District Court  
for the District of New Jersey  
Martin Luther King, Jr. Federal Building and Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re:    Schwartz v. Avis Rent A Car Sys., LLC**  
         **11 Civ. 4052 (JLL) (JAD)**  
         **Klein v. Budget Rent a Car Sys., Inc.**  
         **12 Civ. 7300 (JLL) (JAD)**

Dear Judge Linares:

We represent Defendants in these actions. We write to seek Your Honor's approval of an arrangement to which the parties have agreed regarding the treatment of unclaimed benefits from the Class Action Settlement in these matters (the "Settlement"). Class counsel takes no position on this request.

By way of background, on June 21, 2016, Your Honor entered an Order granting final approval of the Settlement (DE 192). The administration of the Settlement and the distribution of settlement benefits to the class members were delayed by the pendency of an appeal of that Order to the Third Circuit by an objector to the Settlement. That appeal was eventually dismissed, and the claims administrator began distributing settlement benefits to the class members on February 20, 2017.

A number of settlement checks to class members were either returned to the claims administrator as undeliverable or went uncashed past the stale date of the checks of May 18, 2017. The parties agreed to a protocol to address this issue, pursuant to which the claims administrator continued to honor requests for check re-issues until August 18, 2017. The claims administrator then did a final round of check re-issues in late August and early September 2017, with a stale date of October 9, 2017. By agreement of the parties, the claims administrator intends to complete and wind down the settlement distribution process by the end of November 2017.

Notwithstanding these efforts, \$33,280.80 in undisbursed settlement funds remains in the claims administrator's account. Defendants therefore respectfully request that Your

ALBANY  
AMSTERDAM  
ATLANTA  
AUSTIN  
BERLIN\*\*  
BOSTON  
BRUSSELS\*\*  
CHICAGO  
DALLAS  
DELAWARE  
DENVER  
FORT LAUDERDALE  
HOUSTON  
LAS VEGAS  
LONDON\*  
LOS ANGELES  
MIAMI  
MILAN\*\*  
NEW JERSEY  
NEW YORK  
ORANGE COUNTY  
ORLANDO  
PALM BEACH COUNTY  
PHILADELPHIA  
PHOENIX  
ROME\*\*  
SACRAMENTO  
SHANGHAI  
SILICON VALLEY  
TALLAHASSEE  
TAMPA  
TOKYO\*\*  
TYSONS CORNER  
WASHINGTON, D.C.  
WHITE PLAINS  
ZURICH  
\*OPERATES AS GREENBERG  
TRAURIG MAHER LLP  
\*\*STRATEGIC ALLIANCE

The Honorable Jose L. Linares  
October 16, 2017  
Page 2

---

Honor approve the parties' agreement that these unpaid amounts may be refunded to Defendants.

The parties thank the Court for its courtesies.

Respectfully submitted,

*/s/ Philip R. Sellinger*

PHILIP R. SELLINGER

cc: All Counsel of Record (via ECF)

SO ORDERED: 

DATED: 11/8/17